

1 Pro Se
2 Harriet Menezes
2 169 Thoreau Street, Apt. 8
Concord, MA 01742

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5
6 Harriet Menezes,) Civil Action
7 Plaintiff,)
7) Case No.: 04-10365 JLT
8 vs.)
8)
9 Association of Flight Attendants,)
10 CWA, AFL-CIO, and Karen Scopa)
10 individually and as President of)
11 Association of Flight Attendants)
11 Boston, Sue Cook individually and as)
12 representative Secretary Association)
13 of Flight Attendant Boston)
14)
14 and Steve Fontakis individually and)
15 as Manager at United Airlines)
16)
17 and Paula DiMartino as Administrative)
17 Supervisor at United Airlines
18 Defendants

19
20 MOTION FOR HEARING AND RESPONSE TO MOTION TO DISMISS

21 1. I respectfully request a hearing, as a pro se applicant, to discuss the
22 differentiating process of case 1:04-cv-10365-JLT (Federal Question)
23 versus case 1:04-cv-103666-JLT (Federal Diversity), whether joinder is
24 mandatory, to identify what needs to be done in response to the motion
25 to dismiss, and whether attorneys Edward Gilmartin and Mary Sullivan

1 have erred in bringing in their motion under 1:04-cv-103665-JLT
2 exclusively, and whether attorneys have erred in not replying to 1:04-
3 cv-103666-JLT.

4 2. Attorneys Gilmartin and Sullivan have a motion to dismiss Civil Case
5 1:04-cv-10365-JLT, naming Defendants that come under action of Case
6 1:04-cv-10366-JLT.

7 3. Under Case 1:04-cv-10366-JLT, Attorney Gilmartin, on August 9, 2004,
8 signed service of process of receipt of complaint and summons for
9 defendants Paul MackKinnon, Shirley Barber, Maria Torre and Pat Friend,
10 but did not give an answer nor ask for a request for extension.

11 4. Because the defendant attorneys motion to dismiss does not address the
12 particular aspects and defendants of Civil Case 1:04-cv-10365-JLT, it
13 creates complicity for case 1:04-cv-10366-JLT.

14 5. JURISDICTION: As outlined in complaint 1:04-cv-10365-JLT. Plaintiff
15 brings this action under, and jurisdiction thereof is conferred on this
16 Court by virtue of Sec. 301 of the Labor Management Relations Act, 1947
17 (29 USCA Sec. 185), hereinafter referred to as the Act, to recover
18 damages for plaintiff's unlawful discharge by United Airlines, Inc.
19 (Company), who is plaintiff's employer and their representatives, and
20 for breach by defendant Association of Flight Attendants (CWA, AFL-CIO)
21 Local Union and their representatives, of its duty of fair
22 representation owing to plaintiff, and for reinstatement by said
23 employer.

24 6. JURISDICTION: As outlined on the Complaint - by union member expelled
25 for exercise of rights under sec. 101(a)(2) of LMRDA - for reinstatement,
injunction, and compensatory and punitive damages [29 USCA sec. 411(a)(2),

1 412, 529; Fed R Civ P 8(a), 65]. Plaintiff, a resident of the City of
2 Concord, State of Massachusetts, brings this action under, and
3 jurisdiction is conferred on this Court by, the provisions of sections
4 101(a)(2), 102, and 609 of the Labor-Management Reporting and Disclosure
5 Act of 1959 (29 USCA sec. 411(a)(2), 412 and 529), hereinafter referred to
6 as the LMRDA.

7 6. JURISDICTION: Jurisdiction is also conferred under Rule 23.2 Actions
8 relating to unincorporated associations.

9 7. I am against the motion to dismiss because there are factual
10 discrepancies alleged in the motion that I contest.

11 8. I respectfully request the court have a hearing, and conduct fact-
12 finding on its own motion before it decides on the Motion to Dismiss.

13 9. As subject matter jurisdiction turns on issues of fact, I request
14 sufficient discovery to prove jurisdiction so that a correct ruling on
15 the Motion to Dismiss may be made.

16 10. I am against the motion to dismiss because the exhibited Flight
17 Attendant Agreement used is dated 2003-2009, an altered version that
18 was not given to me prior to the events listed in the complaint.

19 11. I am against the motion to dismiss because jurisdiction and a
20 claim upon which relief can be granted were listed in the complaint.

21 12. Dated this 15th day of September, 2004.

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Harriet Menezes
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Pro Se
(978) 369-4693

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2 CERTIFICATE OF SERVICE
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I hereby certify that a true copy of the Plaintiff's Motion has been sent
3 by first class mail to the Defendant's attorneys:

5 1. Mary T. Sullivan, at Segal Roitman & Coleman, 11 Beacon Street,

6 Suite 500, Boston, MA 02018.

7 2. Edward J. Gilmartin, Esq., Association of Flight Attendants-CWA,

8 AFL-CIO, 501 Third Street, NW, 9th Floor, Washington, DC 20001.

9
10 A copy has also been sent to Defendant Paula DiMartino's attorney,
11 Brigitte M. Duffy, Seyfarth Shaw LLP, World Trade Center East, Two Seaport
12 Lane, Suite 300, Boston MA 02210-2028.

13
14 Dated this 15th day of September, 2004.



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